SBCivil Writ Petition No.931/2001

Kishna Ram
Vs.
State of Rajasthan & Ors.

Date of Order :: 1st September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. K.N.Joshi, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.
Ms. Vanita Joshi, for the respondents.

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The Tehsildar, Bhinmal preferred an application under Section 111 of the Rajasthan Land Revenue Act, 1956 (hereinafter referred to as "the Act of 1956") seeking correction and record of various lands reference of which was given in the application itself. The application referred above was accepted by the Collector, Jalore vide the order dated 16.10.1999. Being aggrieved by the same the petitioner preferred an appeal under Section 75 of the Act of 1956 before Divisional Commissioner, Jodhpur, that came to be accepted by judgment dated 17.11.2000. The validity of judgment dated 17.10.2000 was assailed by the respondents No.8 and 9 by way of filing second appeal under Section 76 of the Act of 1956 before Board of Revenue, Rajasthan, Ajmer. The Board of Revenue by judgment dated 5.2.2001 without issuing notice to the petitioner disposed of the appeal with a direction to dispossess the petitioner from 17.13 bighas of land if there is no order by Hon'ble High Court restraining to

do so. Being aggrieved by judgment above this petition for writ is preferred.

It is the position admitted that Board of Revenue passed the judgment impugned in absence of the petitioner. It is always desirable to provide an opportunity of hearing by giving a notice to party concerned if any order is passed effecting his rights. The judgment impugned being passed in absence of the petitioner, therefore, is in flagrant violation of principles of natural justice. The same, therefore, is illegal and deserves to be quashed.

Accordingly, this petition for writ is allowed. The judgment dated 5.2.2001 passed by Board of Revenue for Rajasthan, Ajmer in Appeal/Rev/LR/93/2000 Jalore is quashed with a direction to the Board of Revenue to decide the same afresh by giving an opportunity of hearing to the petitioner.

(GOVIND MATHUR),J.

kkm/ps.